

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ARTHUR D. HOOVER,

Plaintiff,

vs.

U.S. COURTS,

Defendant.

Case No. 2:12-cv-01500-JCM-GWF

**FINDINGS AND
RECOMMENDATION**

This matter comes before the Court on Plaintiff Arthur D. Hoover's ("Plaintiff") failure to comply with the Court's Order (#2). Plaintiff filed an incomplete Application to Proceed In Forma Pauperis (#1) ("Application") on August 23, 2012. The Court could not determine whether Plaintiff qualified to proceed in forma pauperis based on his Application. On September 7, 2012, the Court entered an Order (#2) denying Plaintiff's Application without prejudice and ordering Plaintiff to either submit a completed application or pay the three-hundred-and-fifty-dollar (\$350.00) filing fee within thirty (30) days of the Order (#2). The Court advised Plaintiff that failure to comply would result in a recommendation for dismissal to the District Judge assigned in this case. *See* Doc. #2 at 2:7. Plaintiff has not complied with the Court's Order (#2), and the time to do so has expired.

RECOMMENDATION

Based on the foregoing, it is the **recommendation** of the undersigned United States Magistrate Judge that Plaintiff's Complaint (#1-1) be **dismissed** without prejudice based on Plaintiff's failure to pay the filing fee as ordered.

NOTICE

Under Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. Courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). In this Court, failure to file objections within the specified time or to properly address and brief the objectionable issues waives the right to appeal the District Court's order or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 16th day of October, 2012.



GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE